



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

March 10, 2008

The Honorable Martha Fuller Clark, Chairman  
Senate Energy, Environment and Economic Development Committee  
Legislative Office Building Room 102  
Concord, NH 03301

RE: SB 368, relative to exemptions for toxics reduction in packaging.

Dear Chairman Clark,

Thank you for the opportunity to comment on SB 368, which would make permanent an exemption to the toxics in packaging law for vitrified labels. The Department of Environmental Services requested this bill to keep New Hampshire's law current and relevant because, although the exemption has expired, there is still a valid reason for keeping it.

New Hampshire's toxics in packaging law, which is based on model legislation sponsored by the Toxics in Packaging Clearinghouse (TPCH), is consistent with 18 other states' laws and restricts the use of lead, cadmium, mercury and hexavalent chromium in packaging because these toxic metals contaminate the solid waste stream and end up in landfill leachate and incinerator emissions. The law allows for exemptions either for health and safety reasons or when it can be demonstrated that there is minimal threat to the environment from the use of the metals.

When heavy metals contained in ceramic enamel are used to print labels onto glass and ceramic packaging and the enamels are fired onto the glass or ceramic substrate following application, the enamels and heavy metals are "vitrified" or chemically bonded onto the substrate, becoming an integral part of the glass or ceramic material. If properly applied, the metals are very highly resistant to leaching in landfills or to volatilization in incinerators. There is very little risk to the environment or public health from the metals in vitrified labels.

In 1996, the TPCH adopted a revision to the model toxics in packaging legislation that included an exemption for vitrified labels until January 1, 2000. In its 1998 report, the TPCH recommended that the exemption be extended until January 1, 2005. New Hampshire adopted the exemption in 1999 along with the later expiration date. In October 2004, the TPCH made the exemption permanent and removed any expiration date from the exemption (similar to other exemptions). The sentence stating that mercury is not to be exempted was also recommended in the 1998 report but was not part of the bill in 1999. Passage of this bill would ensure consistency with the model legislation, making it easier for industry to comply.

If you have any questions or need additional information regarding this bill, please contact me or Sharon Yergeau at 271-2918.

Sincerely,

  
Thomas S. Burack  
Commissioner

cc: Senator Betsy DeVries